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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/773,953 | 02/06/2004 | Stan Routt | ROUTTRUBIO-1 | 7328 |

30040 7590 05/02/2006
MICHAEL A. SHIPPEY, PH. D.
4848 LAKEVIEW AVENUE
SUITE B
YORBA LINDA, CA 92886

EXAMINER

MEISLIN, DEBRA S

ART UNIT PAPER NUMBER

3723

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/773,953 | Applicant(s) ROUTT ET AL. | |
| | Examiner Debra S. Meislin | Art Unit 3723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3723

1. The amendment to the specification is incorrect. The amendment to the specification could not be entered since it defines incorrect page numbers. Page "9" should be page ---8---. The "bottom of page 10" should be ---line 8 of page 10---. Pages "13-14" should be pages ---11-12---. Page "16" should be pages ---13-14---. A proper amendment must be submitted.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "62".

See page 11, line 24, which includes the following: "...such an angled plate 62 is centered".

This object will be withdrawn once applicant supplied a proper amendment to the specification as discussed, above.

3. The disclosure is objected to because of the following informalities: line 5 of page 8 and line 4 of page 14 are grammatically incorrect.

Line 5 of page 8 defines "...is provided int the insertion".

Line 4 of page 14 defines "...an un-pressurized a hub and".

This object will be withdrawn once applicant supplied a proper amendment to the specification as discussed, above.

4. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3723

In claim 1, lines 12-13, "center said hub" is grammatically incorrect. Lines 6-8 of claim 4 are grammatically incorrect. As best understood, "to enable said hub engagement and stop structure and supported hub and tire assembly to and from a horizontal position" should be changed to one of the following:

---to enable movement of said hub engagement and stop structure and supported hub and tire assembly to and from a horizontal position--- or

---to enable said hub engagement and stop structure and supported hub and tire assembly to move to and from a horizontal position---.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1, 3, 4 and 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roesch in view of Little or Listebarger.

Roesch discloses all of the claimed subject matter except for having an offset hub center. Little or Listebarger disclose a hub and tire assembly, and a hub engagement and stop structure having an offset hub center. It would have been obvious to one having ordinary skill in the art to form the device of Roesch with an offset hub center to stably support the hub engagement and stop structure in a horizontal position as taught by Little or Listebarger.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roesch in view of Little or Listebarger as applied above, in further view of Smith or Gambardella.

Art Unit: 3723

Smith or Gambardella disclose a hub engagement structure having at least three plate sections. It would have been obvious to one having ordinary skill in the art to form the hub engagement structure of Roesch with at least three plate sections to support a wheel as taught by Smith or Gambardella.

8. Applicant's arguments filed July 28, 2005 have been fully considered but they are not persuasive.

Applicant contends that the current invention, as claimed substantially in claim 1, is a device that allows a user to mount a tire on the device without lifting the tire off of the ground. Additionally, applicant contends that not one prior art document describes an apparatus that can stoop to receive a tire that is not easily lifted off of the ground. It is not clear as to what claimed structural limitations applicant is referring to that is not disclosed in the applied prior art references. Roesch discloses all of the claimed subject matter except for having an offset hub center. Little or Listebarger clearly disclose a hub and tire assembly and a hub engagement and stop structure having an offset hub center which provides stable support of the horizontal position to one side of the pivot axis of a hub engagement and stop structure in a direction to support the horizontal position. It would have been obvious to one having ordinary skill in the art to form the device of Roesch with an offset hub center to stably support the hub engagement and stop structure in a horizontal position as taught by Little or Listebarger.

Claim 1 defines "in a position at least one of adjacent or touching the ground". Roesch discloses this limitation as broadly claimed by applicant. Note that the term "adjacent" is a relative term. A hub and tire assembly would lie adjacent the ground

Art Unit: 3723

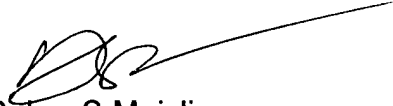
when in the tilted position. Note that the relative closeness to the ground, or even in engagement therewith, would also be dependent upon the width/size of the hub and tire.

Roesch additionally discloses an angle of pivot to enable a hub and tire assembly to be tilted to and from engagement with a hub engagement and stop structure and to enable movement of said hub engagement and stop structure and supported hub and tire assembly to and from a horizontal position, as claimed by applicant.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin
Primary Examiner
Art Unit 3723

April 27, 2006